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MINISTRY OF LAW

New Delhi, the 16th April, 1955

The following Acts of Parliament received the assent of the President on the 15th April, 1955 and are hereby published for general information:—

THE DRUGS (AMENDMENT) ACT, 1955

No. 11 OF 1955

[15th April, 1955]

An Act further to amend the Drugs Act, 1940.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Drugs (Amendment) Act, 1955. Short title.
2. In section 3 of the Drugs Act, 1940 (hereinafter referred to as the principal Act),—
(a) for clause (b), the following clause shall be substituted, Amendment
of section 3,
Act XXIII
of 1940.
namely:—

“(b) ‘drug’ includes—

(i) all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the treatment, mitigation or prevention of disease in human beings or animals other than medicines and substances exclusively used or prepared for use in accordance with the Ayurvedic or Unani systems of medicine; and

(ii) such substances (other than food) intended to affect the structure or any function of the human body or intended to be used for the destruction of vermins or insects which cause disease in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette;”;

(b) after clause (bb), the following clause shall be inserted, namely:—

“(bbb) ‘manufacture’ in relation to any drug includes any process or part of a process for making, altering, ornamenting, finishing, packing, labelling, breaking up or otherwise treating or adopting any drug with a view to its sale and distribution but does not include the compounding or dispensing or the packing of any drug in the ordinary course of retail business; and ‘to manufacture’ shall be construed accordingly;”;

(c) for clause (e), the following clause shall be substituted, namely:—

“(e) ‘prescribed’ means prescribed by rules made under this Act.”.

Amendment
of section 5,
Act XXIII
of 1940.

3. In section 5 of the principal Act,—

(a) in sub-section (2),—

(i) after clause (i), the following clause shall be inserted, namely:—

“(ia) the Drugs Controller, India, *ex-officio*;”;

(ii) in clause (vii), for the words “the Indian Research Fund Association”, the words “the Indian Council of Medical Research” shall be substituted;

(iii) for clause (ix), the following clause shall be substituted, namely:—

“(ix) three persons to be elected by the Pharmacy Council of India, two of whom shall be persons possessing qualifications for registration under the Pharmacy Act, 1948 and one shall be a teacher in pharmacy or pharmaceutical chemistry or pharmacology or pharmacognosy in an Indian university or a college affiliated thereto which grants a degree or diploma in pharmacy;”;

(iv) in clause (xi), the words “and one person to be elected by the branches in India of the British Medical Association” shall be omitted;

(b) to sub-section (3), the following proviso shall be added, namely:—

“Provided that the persons nominated under clause (vi) of sub-section (2) shall hold office for so long as they hold the appointment of Government Analyst under this Act.”

Amendment
of section 6,
Act XXIII
of 1940.

4. In section 6 of the principal Act, in sub-section (2), clauses (b) and (c) shall be omitted.

Amendment
of section 10,
Act XXIII
of 1940.

5. In section 10 of the principal Act, for clause (d), the following clause shall be substituted, namely:—

“(d) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container

thereof the true formula or list of ingredients contained in it, in a manner readily intelligible to the members of the medical profession;”.

6. In section 11 of the principal Act, for sub-section (2), the following sub-section shall be substituted, namely:—

Amendment
of section 11,
Act XXIII
of 1940.

“(2) Without prejudice to the provisions of sub-section (1), the Customs Collector or any officer of the Government authorised by the Central Government in this behalf, may detain any imported package which he suspects to contain any drug the import of which is prohibited under this Chapter and shall forthwith report such detention to the Drugs Controller, India, and, if necessary, forward the package or sample of any suspected drug found therein to the Central Drugs Laboratory.”

7. In section 12 of the principal Act,—

Amendment
of section 12,
Act XXIII
of 1940.

(a) to sub-section (1), the following proviso shall be added, namely:—

“Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said rules.”;

(b) in sub-section (2), in clause (d), for the words “to cure or mitigate”, the words “to prevent, cure or mitigate” shall be substituted.

8. In section 16 of the principal Act, in sub-section (2), for the words “State Government”, the words “Central Government” shall be substituted.

Amendment
of section 16,
Act XXIII
of 1940.

9. In section 18 of the principal Act,—

Amendment
of section 18,
Act XXIII
of 1940.

(a) in clause (a),—

(i) for sub-clause (iii), the following sub-clause shall be substituted, namely:—

“(iii) any patent or proprietary medicine, unless there is displayed in the prescribed manner on the label or container thereof the true formula or list of ingredients contained in it in a manner readily intelligible to the members of the medical profession;”;

(ii) in sub-clause (iv), for the words “to cure or mitigate”, the words “to prevent, cure or mitigate” shall be substituted;

(b) in the second proviso, for the words "State Government", the words "Central Government" shall be substituted.

Amendment
of section 19,
Act XXIII
of 1940.

10. In section 19 of the principal Act, in sub-section (2), after clause (a), the following clause shall be inserted, namely:—

"(aa) in the process of manufacture or preparation any one or more of the prescribed colours have been used, although such use may not be provided for in any of the pharmacopœias referred to in clause (d) of section 3; or".

Substitution
of new sec-
tion for sec-
tion 22 in
Act XXIII of
1940.

11. For section 22 of the principal Act, the following section shall be substituted, namely:—

Powers of
Inspectors.

"22. (1) Subject to the provisions of section 23 and of any rules made by the Central Government in this behalf, an Inspector may, within the local limits of the area for which he is appointed,—

(a) inspect any premises wherein any drug is being manufactured and in the case of sera, vaccines and any other drug prescribed in this behalf, the plant and process of manufacture and the means employed for standardizing and testing the drug;

(b) take samples of any drug which is being manufactured, or being sold or is stocked or exhibited for sale, or is being distributed;

(c) enter and search at all reasonable times, with such assistants, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Chapter has been or is being committed and order in writing the person in possession of any drug in respect of which the offence has been or is being committed, not to dispose of any stock of such drug for a specified period not exceeding twenty days, or, unless the alleged offence is such that the defect may be removed by the possessor of the drug, seize the stock of such drug;

(d) exercise such other powers as may be necessary for carrying out the purposes of this Chapter or any rules made thereunder.

(2) The provisions of the Code of Criminal Procedure, 1898 V of 1898, shall, so far as may be, apply to any search or seizure under this Chapter as they apply to any search or seizure made under the authority of a warrant issued under section 98 of the said Code.

(3) If any person wilfully obstructs an Inspector in the exercise of the powers conferred upon him by or under this Chapter, he shall be punishable with imprisonment which may extend to three years, or with fine, or with both."

Amendment
of section 27
Act XXIII
of 1940.

12. In section 27 of the principal Act, for the words "one year, or with fine which may extend to five hundred rupees", the words "three years, or with fine" shall be substituted.

13. In section 28 of the principal Act, in sub-section (1), the words "whether as principal or agent" shall be omitted. Amendment of section 28, Act XXIII of 1940.

14. For section 30 of the principal Act, the following section shall be substituted, namely:— Substitution of new section for section 30 in Act XXIII of 1940.

"30. (1) Whoever, having been convicted of an offence under section 27 is again convicted of an offence under that section, shall be punishable with imprisonment which may extend to five years, or with fine, or with both. Penalty for subsequent offence.

(2) Whoever, having been convicted of an offence under section 28 or section 29 is again convicted of an offence under the same section shall be punishable with imprisonment which may extend to two years, or with fine, or with both."

15. In section 33 of the principal Act,—

(a) for sub-section (1), the following sub-section shall be substituted, namely:— Amendment of section 33, Act XXIII of 1940.

"(1) The Central Government may after consultation with the Board and after previous publication by notification in the Official Gazette, make rules for the purpose of giving effect to the provisions of this Chapter: Power of Central Government to make rules.

Provided that consultation with the Board may be dispensed with if the Central Government is of opinion that circumstances have arisen which render it necessary to make rules without such consultation, but in such a case the Board shall be consulted within six months of the making of the rules and the Central Government shall take into consideration any suggestions which the Board may make in relation to the amendment of the said rules."

(b) in sub-section (2), in clause (f), for the words "to cure or mitigate", the words "to prevent, cure or mitigate" shall be substituted.

16. For section 34 of the principal Act, the following Chapter shall be substituted, namely:— Substitution of new Chapter for section 34 in Act XXIII of 1940.

"CHAPTER V

MISCELLANEOUS

34. (1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company, as well Offences by companies.

as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) 'company' means a body corporate, and includes a firm or other association of individuals; and

(b) 'director' in relation to a firm means a partner in the firm.

Publication
of sentences
passed under
this Act.

35. (1) If any person is convicted of an offence under this Act, it shall be lawful for the court before which the conviction takes place to cause the offender's name, place of residence, the offence of which he has been convicted and the penalty which has been inflicted upon him, to be published at the expense of such person in such newspapers or in such other manner as the court may direct.

(2) The expenses of such publication shall be deemed to form part of the costs relating to the conviction and shall be recoverable in the same manner as those costs are recoverable.

Magistrate's
power to
impose en-
hanced pen-
alties.

36. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898 it shall be lawful for any pre- V of 1898.
sidency magistrate or any magistrate of the first class to pass any sentence authorised by this Act in excess of his powers under section 32 of the said Code.

Protection of
action taken
in good faith.

37. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act."

Amendment
of the Sched-
ule, Act
XXIII of
1940.

17. In the Schedule to the principal Act,—

(a) in the second column, in item 1 under the heading "Standard to be complied with", the words "or the formula disclosed to the Central Drugs Laboratory, as the case may be" shall be omitted;

(b) after item 3 the following item shall be inserted, namely:—

“3A. Substances (other than food) in- Such standards as tended to affect the structure or any may be prescribed.”. function of the human body or intended to be used for the destruction of vermins or insects which cause disease in human beings or animals.

THE DENTIST (AMENDMENT) ACT, 1955

No. 12 OF 1955

[15th April, 1955]

An Act further to amend the Dentists Act, 1948.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Dentists (Amendment) Act, 1955. Short title.

2. In section 1 of the Dentists Act, 1948 (hereinafter referred to as the principal Act), in sub-section (2), for the words and letter “Part B States”, the words “the State of Jammu and Kashmir” shall be substituted. Amendment of section 1, Act XVI of 1948.

3. In section 2 of the principal Act,—

(i) in clause (f), after the words, figures and brackets “the Indian Medical Council Act, 1933 (XXVII of 1933),”, the words “or specified in any other law for the time being in force in any State,” shall be inserted; Amendment of section 2, Act XVI of 1948.

(ii) for clause (m), the following clause shall be substituted, namely:—

‘(m) references to “State” and “States” shall be construed as excluding any reference to the State of Jammu and Kashmir or to the territories for the time being comprised within the said State.’.

4. In section 3 of the principal Act,—

(i) for clauses (c), (d) and (e), the following clauses shall be substituted, namely:— Amendment of section 3, Act XVI of 1948.

“(c) not more than four members elected from among themselves, by—

(a) Principals and Vice-Principals of dental colleges in the States training students for recognised dental qualifications included in Part I of the Schedule;

(b) Professors of dental surgery of medical colleges in the States training students for the degree of Bachelor of Dental Surgery:

Provided that not more than one member shall be elected from the same dental college or the same medical college referred to in sub-clause (a) or sub-clause (b);

(d) one member from each University established by law in the States which grants a recognised dental qualification, to be elected by the members of the Senate of the University, or in case the University has no Senate, by the members of the court, from amongst the members of the Dental Faculty of the University or in case the University has no Dental Faculty, from amongst the members of the Medical Faculty thereof;

(e) one member to represent each Part A State and Part B State other than the State of Jammu and Kashmir, nominated by the Government of each such State from among persons registered either in a medical register or a dental register of the State;";

(ii) after clause (f), the following clause shall be inserted, namely:—

(g) the Director General of Health Services, *ex-officio*."

Amendment
of section 6
Act XVI of
1948.

5. In section 6 of the principal Act, in sub-section (3),—

(i) for the words "if he ceases to hold his appointment as the head of a college", the following words shall be substituted, namely:—

"if he ceases to hold his appointment as the Principal or Vice-Principal of a dental college, or as a professor of dental surgery of a medical college";

(ii) for the words "the Medical Faculty", the words "the Dental or Medical Faculty" shall be substituted.

Amendment
of section 15,
Act XVI of
1948.

6. In section 15 of the principal Act, in sub-section (1), for the words "may appoint", the words "may, subject to regulations, if any, made by the Council appoint" shall be substituted.

Amendment
of section 21,
Act XVI of
1948.

7. In section 21 of the principal Act,—

(i) for clause (c), the following clause shall be substituted, namely:—

"(c) the heads of dental colleges, if any, in the State which train students for any of the recognised dental qualifications included in Part I of the Schedule, *ex-officio*;" ;

(ii) to clause (e), the following proviso shall be added, namely:—

"Provided that in the State of Saurashtra, the State Dental Council constituted under Saurashtra Ordinance XXV of 1948 as amended by Saurashtra Ordinance XL of 1949, shall be deemed to be the State Council constituted under this Act."

8. In section 23 of the principal Act, for clause (c), the following clause shall be substituted, namely:—

Amendment
of section 23,
Act XVI of
1948.

“(c) the heads of dental colleges, if any, in all the participating States which train students for any of the recognised dental qualifications included in Part I of the Schedule, *ex-officio*.”

9. In section 33 of the principal Act,—

Amendment
of section 33,
Act XVI of
1948.

(i) in sub-section (1),—

(a) in clause (b), for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(b) for the last proviso the following proviso shall be substituted, namely:—

“Provided further that for the purpose of the first preparation of the register of dentists under this Act, a person shall be entitled to have his name entered in the appropriate part of the register without payment of any registration fee,—

(a) in the State of Saurashtra, if he is registered on the register of dental practitioners maintained under Saurashtra Ordinance No. XXV of 1948, as amended by Saurashtra Ordinance No. XL of 1949; or

(b) in the State of Travancore-Cochin, if he is registered on the register of dental practitioners maintained under the Travancore Medical Practitioners Act, 1119.”;

(ii) in sub-section (2),—

(a) for the words “the date of the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(b) for the words “within a period of five years after that date he passes an examination which satisfies the requirements of the Council”, the words “for a period of five years from the date of his temporary registration he has been engaged in practice as a dentist” shall be substituted.

10. Section 34 of the principal Act shall be renumbered as sub-section (1) of section 34 and—

Amendment
of section 34,
Act XVI of
1948.

(i) in sub-section (1) as so renumbered—

(a) in clause (ii),—

(i) for the words “two years before the commencement of this Act”, the words, brackets and figures “two years before the date appointed under sub-section (2) of section 32” shall be substituted;

(ii) for the words “five years after the commencement of this Act”, the words “ten years after the said date” shall be substituted;

(b) in the second proviso for the words “five years”, the words and letter “ten years after the date of his registration in Part B” shall be substituted;

(ii) after sub-section (1) as so renumbered, the following sub-section shall be inserted, namely:—

“(2) Notwithstanding anything contained in sub-section (1),—

(a) a State Dental Council may during the period of two years immediately after the commencement of the Dentists (Amendment) Act, 1954, permit for sufficient reasons the registration in the State register of any displaced person who does not hold a recognised dental qualification but has been actually practising the profession of dentistry as his principal means of livelihood from a date prior to the 29th day of March, 1948;

Explanation.—In this clause “displaced person” means any person who, on account of the setting up of the Dominions of India and Pakistan or on account of civil disturbances or fear of such disturbances in any area now forming part of Pakistan has, after the 1st day of March, 1947, left or been displaced from, his place of residence in such area and who has since then been residing in India;

(b) a person other than a citizen of India, holding a reputable dental qualification and employed for teaching or research in a dental institution situated in any of the States may be permitted, irrespective of any considerations of reciprocity, temporary registration in the State register of dentists for the period of his employment or for a period of five years, whichever is shorter:

Provided that he does not practise the profession of dentistry for personal gain and his application for registration is approved by the President of the Council.”.

Amendment
of section 40,
Act XVI of
1948.

11. In section 40 of the principal Act, after the word “recognised”, the word “dental” shall be inserted.

12. In section 41 of the principal Act,—**Amendment
of section 41,
Act XVI of
1948.**

(i) in sub-section (1) in clause (ii), the word 'or' shall be added at the end and after the clause as so amended, the following clause shall be inserted, namely:—

“(iii) that he having been permitted temporary registration under clause (b) of sub-section (2) of section 34 has, on such registration, been found to practise the profession of dentistry for personal gain.”;

(ii) after sub-section (5), the following sub-section shall be inserted, namely:—

“(6) A person whose name has been removed from the State register of dentists under this section or under sub-section (2) of section 39 shall not be entitled to have his name registered in the register of dentists in any other State register of dentists except with the approval of the State Council from whose register his name has been removed.”.

13. In section 46 of the principal Act, in sub-section (3),—**Amendment
of section 46,
Act XVI of
1948.**

(i) for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted;

(ii) for the words “the State Government”, the words “the Central Government or the State Government” shall be substituted;

(iii) the words “in the State” shall be omitted;

(iv) for the words “at the commencement of this Act”, in the proviso, the words “immediately before the said date” shall be substituted.

14. In section 48 of the principal Act, in clause (c), the word “or” shall be added at the end and after the clause as so amended, the following clause shall be inserted, namely:—**Amendment
of section 48,
Act XVI of
1948.**

“(d) not possessing a recognised dental qualification, uses a degree or a diploma or an abbreviation indicating or implying a dental qualification.”.

15. In section 49 of the principal Act, in sub-section (1), for the words “the commencement of this Act”, the words, brackets and figures “the date appointed under sub-section (2) of section 32” shall be substituted.**Amendment
of section 49,
Act XVI of
1948.**

Amendment
of section 51,
Act XVI of
1948.

16. In section 51 of the principal Act, in the proviso to sub-section (2), for the words "at the date of the commencement of this Act", the words, brackets and figures "immediately before the date appointed under sub-section (2) of section 32" shall be substituted.

Amendment
of the Schedule, Act
XVI of 1948.

17. In the Schedule to the principal Act,—

(i) for the words, figures and brackets "(See section 10)", the words, figures and brackets "(See sections 10, 21 and 23)" shall be substituted;

(ii) in Part I,—

(a) in entry No. (1) for the figures, letters and words "the 1st day of January, 1940" the figures, letters and words "the 1st day of May, 1941" shall be substituted;

(b) in entry No. (2) for the figures, letters and words "the 31st day of December, 1939" the figures, letters and words "the 30th day of April, 1941" shall be substituted;

(c) after entry No. (5) the following entry shall be inserted, namely:—

"(6) The East Punjab University, if granted during the year 1948.";

(iii) in Part II, for entries Nos. (1) and (2), the following shall be substituted, namely:—

"(1) The Punjab University, Lahore, if granted before the 15th day of August, 1947.

(2) The Punjab State Medical Faculty, Lahore, if granted before the 15th day of August, 1947".

K. Y. BHANDARKAR,
Secy. to the Govt. of India.